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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/920,245

07/31/2001

Frederik Ekkel

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

AU, GARY

ART UNIT

PAPER NUMBER

2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/920,245

Applicant(s)

EKKEL, FREDERIK

Examiner

Gary Au

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9 and 11-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-19 and 11-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 8 and 17 have been considered but are moot in view of the new ground(s) of rejection.

For applicant's argument, Eames teaches an access point (gateway 200) that has an interface means (IR receiver 472) to control the CATV module 490 to select a channel. The signal from the CATV module 490 is transmitted to antenna 494 through control bus 422 and wireless module 490. The antenna 494 sends the signal to the TV to be displayed (figure 3, col. 5 lines 18-29, 44-50 and col. 5 line 66 – col. 6 line 6). Therefore, the interface means acts as a user-interface related to the TV.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 8, 9, 17, 18 and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,459,875 Eames et al. (Eames).

Considering claim 1, Eames teaches a system (figure 2), comprising: a gateway for use between a home network and an external data network (NID/filter 360 – figure 2, col. 4 lines 4-14); and an access point for the home network (gateway 200 – figure 2 and 3, col. 4 lines 52-67); said access point device comprising: communication means (wireless module 490 – figure 3, col. 5 lines 44-50) for wireless data communication with at least one apparatus included in the home network (TV 199 – figure 3, col. 4 lines 15-18) and interface means for user-interface related to said at least one apparatus (col. 4 lines 15-18), said interface means including at least an IR receiver for remote control of the at least one apparatus (IR receiver 472 – figure 3, col. 5 lines 18-24 and col. 5 line 66 – col. 6 line 6).

Considering claim 8, Eames teaches a device configured as an access point (gateway 200 – figure 2 and 3, col. 4 lines 52-67) for use with a gateway being used between a home network and an external data network (NID/filter 360 – figure 2, col. 4 lines 4-14), the device comprising: communication means (wireless module 490 – figure 3, col. 5 lines 44-50) for wireless data communication with at least one apparatus included in the home network (TV 199 – figure 3, col. 4 lines 15-18); and interface means for a user-interface related to said at least one apparatus (col. 4 lines 15-18), said interface means including at least an IR receiver allowing remote control of the at least one apparatus (IR receiver 472 – figure 3, col. 5 lines 18-24 and col. 5 line 66 – col. 6 line 6).

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Considering claims 2 and 9, Eames teaches the access point device is connected to the gateway via a cable (gateway 200 – figure 2 and 3, col. 4 lines 58-67).

Considering claim 17, Eames teaches an access point device (gateway 200 – figure 2 and 3, col. 4 lines 52-67) comprising: a first port configured to provide wireless among a plurality of appliances of a local network (gateway 200 – figure 2, col. 4 lines 52-57), wherein at least one of said plurality of appliances includes a gateway between a home network and an external data network (gateway 200 – figure 2 and 3, col. 4 lines 52-67) and at least one other of said plurality of appliances is included in the home network (TV 199 – figure 3, col. 4 lines 15-18); a second port configured to provide an interface to the at least one other of said plurality of appliances (col. 4 lines 15-18); and an IR receiver allowing remote control of at least one of said plurality of appliances (IR receiver 472 – figure 3, col. 5 lines 18-24 and col. 5 line 66 – col. 6 line 6).

Considering claim 18, Eames teaches at least one of said plurality of appliances includes a set-top box connectable to a monitor (television 199 and television set-top 198 – figure 1, col. 2 lines 60-67), said second port being connectable to said set-top box through a cable having a length configured to allow placement of said access point device substantially near said monitor (television 199 and television set-top 198 – figure 1, col. 2 lines 60-67 and col. 4 line 41-51, wherein Eames discuss that the gateway can be placed anywhere in the house, thus near the monitor).

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Considering claims 21 and 23, Eames teaches the access point device further comprises a housing (figure 3), said interface means and said communication means being located within said housing (NIM 410 – figure 3, col. 4 lines 58-67).

Considering claim 22, Eames teaches the access point device and gateway are located in separate housings (NID/filter 360 and wireless gateway 200 – figure 2).

Considering claim 24, Eames teaches the access point device comprising a housing, said housing including said first port and said second port (col. 2 lines 60-67).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,459,875 Eames et al. (Eames) as applied to claims 1 and 8 above, and further in view of US Patent No. 6,481,013 Dinwiddie et al. (Dinwiddie).

As to claims 4 and 11, Eames teaches the apparatus of claims 1 and 8, but fails to teach that the access point device comprises a visual status indicator.

In an analogous art, Dinwiddie teaches an access point device comprises a visual status indicator (LED 186 – figure 8 and 9, col. 13 line 63 – col. 14 line 17). The light emitting diode indicates when the infrared signals are being detected.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Eames's system to include a visual status indicator, as taught by Dinwiddie, for the advantage of indicating when infra-red signals are being detected in a consumer electronic apparatus.

6. Claims 5, 6, 12, 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,459,875 Eames et al. (Eames) as applied to claims 1 and 8 above, and further in view of US Patent No. 6,622,304 (Carhart).

As to claims 5 and 12, Eames teaches the apparatus of claims 1 and 8, but fails to teach that the access point device comprises a camera.

In an analogous art, Carhart teaches an access point device comprises a camera (video camera 22, col. 8 lines 13-22). It is convenient to have a video camera for recording pictures or video.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Eames's system to include a camera, as taught by Carhart, for the advantage of recording pictures or video.

As to claims 6 and 13, Bianchi teaches the apparatus of claims 1 and 8, but fails to teach that the access point device comprises a microphone.

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In an analogous art, Carhart teaches an access point device comprises a microphone (audio microphone, col. 8 lines 13-22). It is convenient to have a microphone for recording voice.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Bianchi's system to include a microphone, as taught by Carhart, for the advantage of recording voice.

As to claim 19, Eames teaches the access point device of claim 17, but fails to teach a camera configured to capture images, and provide said image to at least one of a monitor of said local network and an external network.

In an analogous art, Carhart teaches a camera configured to capture images (video camera 22, col. 8 lines 13-22), and provide said image to at least one of a monitor of said local network and an external network (col. 8 lines 13-55). It is convenient to provide image for further processing.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Eames's system to include a camera configured to capture images, and provide said image to at least one of a monitor of said local network and an external network, as taught by Carhart, for the advantage of further processing.

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7. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,459,875 Eames et al. (Eames) as applied to claims 1 and 8 above, and further in view of US Patent No. 6,567,984 (Allport).

As to claims 7 and 14, Eames teaches the apparatus of claims 1 and 8, but fails to teach that the access point device comprises a FLASH memory card slot.

In an analogous art, Allport teaches a system that reads multiple data streams with a Flash memory ROM (340 – figure 4, col. 15 lines 37-47). The FLASH memory card stores downloaded information such as TV schedules, CD track data, and pre-loaded infrared command libraries.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Eames's system to include a FLASH memory card slot, as taught by Allport, for the advantage of storing downloaded information.

8. Claims 15, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,459,875 Eames et al. (Eames) as applied to claims 1, 8 and 17 above, and further in view of US Patent Application No. 2002/0104095 Nguyen et al. (Nguyen).

As to claims 15, 16 and 20, Eames teaches the apparatus of claims 1, 8 and 17, but fails to teach a lamp configured to indicate that an email message is waiting.

In an analogous art, Nguyen teaches a lamp configured to indicate that an email message is waiting (figure 3, [0039]). It is convenient to provide a lamp to notify the user an email message is waiting.

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Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Eames's system to include a lamp configured to indicate that an email message is waiting, as taught by Nguyen, for the advantage of notifying the user.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822. The examiner can normally be reached on 8am-5pm Monday to Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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